

**PHYSICAL THERAPY BOARD OF CALIFORNIA
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA**

In the Matter of the Citation)	
Issued to:)	PTBC Case:
)	Citation #: 03-04-0049
Louis Klein, P.T.)	
)	
)	
<u>Respondent.</u>)	

AMENDED CITATION

In accordance with the Citation No. 03-04-0049, issued on October 20, 2003, it is hereby amended by reducing the assessed fine from \$2500.00 to \$250.00 and modifying the violation to 1398.44 and 1399 of the California Code of Regulation. Respondent is hereby ordered to pay the assessed fine of \$250.00 to the Physical Therapy Board of California within 30 days as ordered on the attached Amended Citation. Copy attached.

If you wish to contest this decision, you must notify the Board by filing the attached "Notice of Appeal - Request for Administrative Hearing" within 10 business days after receipt of this decision.

If notified within the time allotted, the Executive Officer will arrange for a formal hearing before an administrative law judge. The hearing will be conducted in accordance with the provisions of the Administrative Procedure Act (Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code. After the hearing, the Board shall issue the decision, prepared by the administrative law judge, based upon the findings of fact, affirming, modifying, or vacating the Citation, or directing other appropriate relief.

DATED: January 29, 2004

Original Signed By:

Steven K. Hartzell
Executive Officer

**PHYSICAL THERAPY BOARD OF CALIFORNIA****Consumer Protection Services Program**

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January 29, 2004

Citation No. 03-04-0049

Louis Klein
30 Oak Gate Pl
Pleasant Hill CA 94523

License No. PT 6822

AMENDED CITATION

Investigation of a recently submitted complaint has revealed actions taken by you which violate sections of the law regulating the practice of physical therapy. A Citation is hereby issued to you in accordance with Section 125.9 of the Business and Professions Code for the violations described below.

The Physical Therapy Board of California received a complaint alleging that physical therapy aides were allowed to practice without the supervision at the California Therapy Center. Interviews and a review of the patient records were conducted. The investigation confirmed that Louis Klein, P.T. failed to properly document supervision of the physical therapist assistants and aides.

FIRST CAUSE FOR CITATION

On or about September 2002, an onsite investigation was conducted by an expert consultant and an Investigator at the California Therapy Center, 400 29th Avenue, Oakland, California.

On or about this date of the onsite investigation, you were interviewed by the investigator and the expert consultant randomly selected and reviewed fifteen (15) patient records from the year 2000 and fifteen (15) from 2001. Nine (9) of the fifteen (15) records from 2000 and seven (7) from the fifteen (15) from 2001 were significantly lacking co-signatures of the physical therapist. The expert consultant identified Louis Klein, P.T., Carie Kramer (Morth as reported in investigation), P.T., Iris Maoz, P.T., Robert Leek, P.T.A., and Tracy Sarikakis, P.T., as providing physical therapy to the patients.

Patient 1 findings: Louis Klein, P.T., performed the initial evaluation for patient on 2/26/1999. There were progress notes made by Bob Leek, P.T.A., on 4/6/1999, 5/19/1999, 05/21/1999, 12/14/1999, and 12/21/1999 that were not co-signed. There were multiple notes made by an unidentifiable aide that were not co-signed.

The above constitutes a violation of section 1398.44 of the California Code of Regulations in that you failed to properly document supervision of the physical therapist assistant.

SECOND CAUSE FOR CITATION

Patient 2 findings: Carie Kramer, P.T., performed an initial evaluation for patient on 3/01/2000. On the 03/0/2000 note entry by Robert Leek, P.T.A., Kramer failed to co-sign. On 3/14/200, Lois Klein, P.T., made a note entry with separate status report signed by Robert Leek, P.T.A., and not co-signed by any physical therapist.

The above constitutes a violation of section 1398.44 of the California Code of Regulations in that you failed to properly document supervision of the physical therapist assistant.

THIRD CAUSE FOR CITATION

Patient 4 findings: Louis Klein, P.T., performed the initial evaluation for patient on 05/19/2000. Robert Leek, P.T.A., had note entries on 05/30/200, 06/06/2000, and 06/06/2000 that were not co-signed.

The above constitutes a violation of section 1398.44 of the California Code of Regulations in that you failed to properly document supervision of the physical therapist assistant.

FORTH CAUSE FOR CITATION

Patient 5 findings: On 11/20/2000, Iris Maoz, P.T., performed the initial evaluation for Patient 5. There were note entries made by Tracy Sarikakis, P.T.A., on 12/15/2000, 12/15/2000, 12/19/2000, 01/09/2001, 01/11/2001, 01/16/2001, 01/19/2001 and 01/23/2001, none of which were co-signed by a physical therapist .

The above constitutes a violation of section 1398.44 of the California Code of Regulations in that you failed to properly document supervision of the physical therapist assistant.

FIFTH CAUSE FOR CITATION

Patient 6 findings: Louis Klein, P.T., performed an initial evaluation of patient on 06/01/2000. On 06/06/2000, 06/09/2000, 07/12/2000, 07/19/2000, and 08/02/2000, Robert Leek, P.T.A., wrote notes that were not co-signed by a physical therapist. On 10/03/2000 Louis Klein, P.T., performed a second evaluation of patient. On 11/09/2000, 11/13/2000, 11/15/2000, 12/14/2000 and, 12/18/2000 Tracy Sarikakis, P.T.A. , made notes that were not co-signed by a physical therapist.

The above constitutes a violation of section 1398.44 of the California Code of Regulations in that you failed to properly document supervision of the physical therapist assistants.

SIXTH CAUSE FOR CITATION

Patient 7 findings: On 05/22/2000 Louis Klein, P.T., performed an initial evaluation of patient. On 06/05/2000, 06/06/2000, 06/15/2000, 06/19/2000, 06/28/2000, 06/30/2000, 07/07/2000, 07/12/2000, 07/14/2000, 07/17/2000, 07/19/2000, and 07/24/2000, Robert Leek, P.T.A., made notes regarding patient that were not co-signed by a physical therapist. On 08/09/2000, an unidentified physical therapy aide who made an entry regarding the care of Patient 7. The aides' note was not co-signed by a physical therapist.

The above constitutes a violation of section 1398.44 and 1399 of the California Code of Regulations in that you failed to properly document supervision of support staff.

SEVENTH CAUSE FOR CITATION

Patient 8 findings: On 01/17/2000 Carrie Kramer, P.T., performed an initial evaluation of Patient 8. On 01/24/2000, 02/01/2000, 02/03/2000, 03/01/2000, 03/03/2000, 03/10/2000 and 03/13/2000 Robert Leek, P.T.A., wrote notes in the patient's progress record that were not co-signed by a physical therapist. On 03/16/2000 an unidentified physical therapy aide wrote a progress note as an addendum to Louis Klein's 03/16/2000 note. The aide wrote. " addendum- pt declined to do stretching with heat & ultrasound...." The aides' note was not cosigned by the physical therapist.

The above constitutes a violation of section 1398.44 and 1399 of the California Code of Regulations in that you failed to properly document supervision of support staff.

EIGHTH CAUSE FOR CITATION

Patient 9 findings: On 05/03/2000 Louis Klein, P.T., performed an initial evaluation of Patient 9. On 06/08/2000 and 06/15/2000, Robert Leek, P.T.A., wrote progress notes that were not co-signed by a physical therapist.

The above constitutes a violation of section 1398.44 of the California Code of Regulations in that you failed to properly document supervision of the physical therapist assistant.

NINTH CAUSE FOR CITATION

Patient 10 findings: On 06/21/2001 Iris Maoz, P.T., performed an initial evaluation of Patient 10. Notes written by Tracy Sarikakis, P.T.A., on 07/03/2001, 07/09/2001, 07/12/2001, 07/19/2001, 07/23/2001, 07/26/2001, 07/31/2001, 08/09/2001, 08/14/2001, 08/16/2001, 08/22/2001, 08/28/2001, 09/13/2001 and 09/19/2001 were not co-signed by a physical therapist.

The above constitutes a violation of section 1398.44 of the California Code of Regulations in that you failed to properly document supervision of the physical therapist assistant.

TENTH CAUSE FOR CITATION

Patient 11 findings: On 03/13/2001 Iris Maoz, P.T., performed an initial evaluation of Patient 11. There were 4 dates of service provided by Tracy Sarikakis, P.T.A., and 8 dates of service by an unidentified P.T.A. that were not co-signed by a physical therapist. On 03/22/2001 an unidentified student physical therapist assistant (SPTA) wrote a note regarding the care of Patient 11. The SPTA wrote, "O. Pt seen per plan see flow sheet." The SPTA's signature was cosigned by a PTA and not by the supervising PTA. The items checked on the flow sheet for 03/22/2001 were "u.s., stm., and stretches.

The above constitutes a violation of section 1398.44 and 1399 of the California Code of Regulations in that you failed to properly document supervision of support staff.

ELEVENTH CAUSE FOR CITATION

Patient 12 findings: On 4/20/2001 Iris Maoz, P.T., performed an initial evaluation of Patient 12. There are a total of 7 dates of service by an unidentified P.T.A. and Tracy Sarikakis, P.T.A., that were not co-signed by a physical therapist.

The above constitutes a violation of section 1398.44 of the California Code of Regulations in that you failed to properly document supervision of the physical therapist assistants.

TWELFTH CAUSE FOR CITATION

Patient 13 findings: On 07/05/2001 Iris Maoz, P.T., performed an initial evaluation of Patient 13. There are 8 dates of service noted by a P.T.A. that were not co-signed.

The above constitutes a violation of section 1398.44 of the California Code of Regulations in that you failed to properly document supervision of the physical therapist assistants.

THIRTEENTH CAUSE FOR CITATION

Patient 14 findings: On 08/16/2001 Iris Maoz, P.T., performed an initial evaluation of Patient 14. There were 5 of 7 dates of service noted by Tracy Sarikakis, P.T.A., that were not co-signed by a physical therapist. On 08/27/2001, 08/30/2001, 09/06/2001, 09/14/2001 and 09/18/2001, Tracy Sarikakis, P.T., made notes regarding treatment that were not signed by a physical therapist.

The above constitutes a violation of section 1398.44 of the California Code of Regulations in that you failed to properly document supervision of the physical therapist assistant.

FOURTEENTH CAUSE FOR CITATION

Patient 15 findings: On 06/19/2001 Iris Maoz, P.T., performed an initial evaluation of Patient 15. There were 5 out of 7 notes written by Tracy Sarikakis, P.T., that are not co-signed by a physical therapist. A discharge summary is dated 07/11/2001.

The above constitutes a violation of section 1398.44 of the California Code of Regulations in that you failed to properly document supervision of the physical therapist assistant.

FIFTEENTH CAUSE FOR CITATION

Patient 16 findings: The expert consultant identified another patient under patient 15 although the information was found in Patient 16's record. On 9/11/01 Iris Maoz, P.T., performed an initial evaluation for Patient 16. There were 6 notes by Tracy Sarikakis, P.T.A., that were not co-signed by a physical therapist.

The above constitutes a violation of section 1398.44 of the California Code of Regulations in that you failed to properly document supervision of the physical therapist assistant.